

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 30, 2004

IN RE:

**JOINT PETITION FOR ARBITRATION OF NEWSOUTH
COMMUNICATIONS CORP, NUVOX COMMUNICATIONS,
INC., KMC TELECOM V, INC., KMC TELECOM III LLC, AND
XSPEDIUS COMMUNICATIONS, LLC ON BEHALF OF ITS
OPERATING SUBSIDIARIES XSPEDIUS MANAGEMENT CO.,
SWITCHED SERVICES, LLC AND XSPEDIUS MANAGEMENT
CO. OF CHATTANOOGA, LLC OF AN INTERCONNECTION
AGREEMENT WITH BELL SOUTH TELECOMMUNICATIONS,
INC.**

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) **DOCKET NO.**
) **04-00046**
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**ORDER GRANTING *JOINT AGREED MOTION FOR EXTENSION OF PROCEDURAL
SCHEDULE* AND AMENDING PROCEDURAL SCHEDULE**

This matter is before the Pre-Arbitration Officer pursuant to the *Joint Agreed Motion for Extension of Procedural Schedule* ("Joint Motion") filed by BellSouth Telecommunications, Inc. ("BellSouth"), NuVox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III, LLC, and Xspedius Communications, LLC on behalf of its operating subsidiaries Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Chattanooga, LLC ("the Parties") on September 29, 2004.

The Pre-Arbitration Officer established a Procedural Schedule in this matter on May 25, 2004.¹ Subsequently, the Parties requested that the proceedings in this Docket be held in abeyance for ninety (90) days, including the suspension of pending deadlines and consideration

¹ The previous Pre-Arbitration Officer assigned to this Docket issued the Order establishing the Procedural Schedule See *Order Denying Motion in Part and Establishing Procedural Schedule* (May 25, 2004)

of all pending motions, until after October 1, 2004.² As a result, a new Procedural Schedule was issued on July 16, 2004.

The Parties now seek an extension of the filing deadlines set forth in the Procedural Schedule “to ensure that the Joint Issues Matrix issue statements and position statements accurately reflect the most updated information resulting from the parties’ ongoing negotiations.”³ The Pre-Arbitration Officer finds that, for the reasons stated by the Parties in the *Joint Motion*, the joint request of the Parties to extend the filing deadlines is well taken and an amended Procedural Schedule should be issued as set forth below:

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|----------------------------|---|
| October 15, 2004 | The Parties shall file with the TRA a revised Joint Issues Matrix representing the consensus of the Parties on all issues |
| October 29, 2004 | Pre-filed Supplemental Direct Testimony shall be filed with the TRA and served on all Parties |
| November 19, 2004 | Pre-filed Rebuttal Testimony shall be filed with the TRA and served on all Parties |
| November 19, 2004 | A Status Conference will be held at 10:00 a.m. to set a schedule for any necessary Discovery |
| January 25-28, 2005 | Hearing before Arbitration Panel |

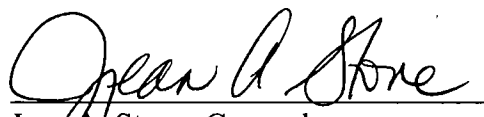
All filings are due **no later than 2:00 p.m.** on the dates indicated.

² *Joint Motion to Hold Proceeding in Abeyance*, p 1 (July 15, 2004).

³ *Joint Agreed Motion for Extension of Procedural Schedule*, p 1 (September 29, 2004)

IT IS THEREFORE ORDERED THAT:

1. The *Joint Agreed Motion for Extension of Procedural Schedule* of the Parties is granted; and
2. The Procedural Schedule is amended as stated herein.


Jean A. Stone, Counsel
as Pre-Arbitration Officer